

CHAPTER 8

SECTION 5.2

PRIVATE DUTY NURSING CARE PROVIDED BY LPN OR LVN

Issue Date: October 12, 1984

Authority: [32 CFR 199.2](#) and [32 CFR 199.4\(c\)\(3\)\(xii\)](#)

I. DESCRIPTION

"Skilled nursing service" means a service which can only be furnished by an RN, LPN or LVN under the supervision of a physician in order to assure the safety of the patient and achieve the medically desired result. Skilled nursing services are other than those services which primarily provide support for the essentials of daily living or which could be performed by an untrained adult with minimum instruction and/or supervision. Examples of skilled nursing services are intravenous or intramuscular injections, levine tube or gastrostomy feedings or tracheotomy aspiration and insertion.

II. POLICY

As long as the service being rendered is a skilled nursing service provided by an LPN or LVN under the supervision of a physician, claims do not need to be developed for the purpose of determining if the services of an RN are available.

III. ANALYSIS

The 32 CFR 199 stipulates that the services rendered determine if the claim is covered. Use of an LPN for services within his or her technical proficiency is not precluded. The 32 CFR 199 provision is not interpreted as an absolute requirement or stipulation that an RN must provide the services or the claim would be denied. The primary intent is that payment only be made for a service that is considered "skilled", as opposed to a sitter type service or a service that can be provided by someone with minimal instruction. The controlling factor is the services which are provided not the professional status of the nurse or the condition of the patient. The definition of "skilled nursing services" in [32 CFR 199.2](#) and classification of RN, LPN and LVN in [32 CFR 199.6](#) more clearly shows the intent.

- END -

